

TESTIMONY OF DAN LEATHERMAN

I, Dan Leatherman, hereby testify as follows:

1. I have been employed as the General Manager of KBMX(FM), Eldon, Missouri (the "Station"), since September 1990. I responded to a recruitment letter from Michael Rice by telephoning him about the position. He referred me to Janet Cox, with whom I set up an appointment for an in-person interview. I interviewed shortly thereafter with Janet Cox at the Contemporary Media, Inc.'s headquarters, and we were joined by Mr. Rice during the course of the interview. I was hired shortly thereafter.

2. My broadcast career includes the following positions: During my college years (1979-1981), I worked as a disc jockey and news announcer/reporter for KWMT/KKEZ, Fort Dodge, Iowa. I worked as a salesman and news and sports reporter at KMAQ, Maquoketa, Iowa (1981-1983). I then worked in sales at KLXL, Dubuque, Iowa (1983-1985). My next position was a brief (less than one year) stint at KJJY, Des Moines, Iowa, in sales, which I left for a sales manager position at KCII, Washington, Iowa (1985-87). My first general manager position was at KOUR, Independence, Iowa (1987-90), which I left for the position at KBMX.

3. From the beginning of my tenure at KBMX, Michael Rice and the other shareholders of Lake Broadcasting, Inc. ("Lake"), Kenneth Kuenzie and Dennis Klautzer, visited the station primarily on weekends in connection with the physical plant or technical/engineering matters. Mr. Rice personally owns the building which houses the KBMX main studio. He also has a background and

Case No. 195-154	
Official Exhibit No. 43	
Disposition	Identified
Referred	Received
IN THE MATTER OF:	
Date	4-2-51
Witness	Smith
Reporter	
No. Pages:	

expertise in broadcast engineering and he assisted in the installation or repair of equipment from time to time. He also assisted the chief engineer in building a second production studio for the Station.

4. Mr. Rice's involvement at the Station was of a limited, technical nature. He was uninvolved in managerial, policy or day-to-day operations, so much so that I am personally aware that some members of the Station staff did not even know he was an owner of the Station.

5. To the extent that I had conversations or written communications with Michael Rice, they primarily related to his concerns as a landlord with the physical plant, and not to the programming, sales or other aspects of the Station's management, policy or daily operations.

6. From the beginning of my tenure, I have sent sales and revenue reports twice weekly to Lake's headquarters in St. Peters, Missouri. I have never discussed the substance of any of these reports with Michael Rice. Nor have I had any discussions with Michael Rice relating to Station personnel matters, such as hiring or firing. My contacts with Lake's management pertaining to personnel matters have been exclusively with Janet Cox. I participate in yearly budget meetings at Lake's headquarters with Janet Cox only. Michael Rice has never attended or otherwise participated in these meetings.

7. There have been no changes in the manner in which the Station has been operating since Michael Rice's conviction or his

subsequent incarceration. Mr. Rice's circumstances have not effected the Station's operations or performance in any meaningful respect. The Station continues to maintain a record of community involvement and public service, and it enjoys a highly favorable reputation in the community. At Appendix A hereto are a host of letters from a variety of local charities and civic organizations evidencing the Stations' reputation and continued commitment to public-minded and high-quality broadcast service. Among the organizations who have voiced their appreciation to the Stations are: the Lake of the Ozarks General Hospital, the Camdenton R-III School District, the Newcomers/Longtimers Club, the Oak Street Church of Christ, the Lake of Ozarks Association, the Jaycees, Dewey's Toys for Kids Lake of the Ozarks Shoreline Beautification, the Camdenton Senior Center, the American Business Women's Association, Meals on Wheels, the Greater Lake Area Arts Council (GLAAC), the American Association of Retired Persons (AARP), the Knights of Columbus, and the U.S. Small Business Administration.

## APPENDIX A

# HK'S HOSPITAL BENEFIT CELEBRITY GOLF TOURNAMENT

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## FOUR SEASONS - ROBERT TRENT JONES DRIFTWOOD GOLF COURSE

### 1995 Tournament Board of Directors

Peter & Susan Brown  
Honorary Tournament  
Directors

Joseph Bixby  
Bob Broeg  
Charles E. Brown  
Bob Burnes  
Sander Coovert  
William Cornelius  
James A. Franklin, Sr.  
Jack Hart  
Michael Henze  
James Herfurth  
Whitey Herzog  
Drue Jennings  
George Kletzer  
Joe McGuff  
Sam Muchnick  
Med Park  
The Hon. Albert Rendlen

### 1995 Executive Committee

Bud Blattner  
Chairman

Bob Adler  
Peter Brown, Jr.  
Rich Brunk  
Joe Butts  
Barbara Caney  
Charles Cassmeyer  
Bill Chamberlin  
Dale Chapman  
Mary Ellen Coy  
Jim Divincen  
Harry Faigle  
Greg Gagnon  
Steve Hanks  
Carlene Hargett  
Paul Hermann  
Kathy Hoemeyer  
Ken Hulett  
Brett Robertson  
James May  
Clee Neff  
Bob Nieberding  
Joe Roeger  
Clayton Rogers  
Michael Schumacher  
Dianne Smith  
Kay Van Uum  
Charles Young  
Bud Ziser

April 5, 1995

KBMX 101.9 FM  
Route 3 Box 4881  
Lake Ozark, MO 65049

Dear Sponsor:

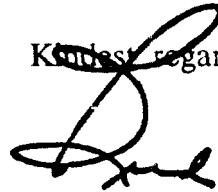
The Board of Directors of Lake of the Ozarks General Hospital, the hospital staff, HK's Tournament Board of Directors and Executive Committee, as well as the entire Lake community, join me in expressing profound thanks for your thoughtful response to our urgent request on behalf of the 17th annual HK's Hospital Benefit Celebrity Golf Tournament.

Your sponsorship contribution of \$100.00 will enable us to expedite our elaborate plans for the 1995 presentation of this most honored and respected event, and will help ensure yet another record-shattering result in the recognized standard bearer among the Lake area's charity sports events.

Certainly hope to see you at the tournament's popular celebrity cocktail party on Saturday evening, June 3, 1995, at the Four Seasons Golf Club!

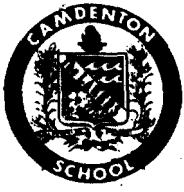
Again many thanks.

Kindest regards,



Bud Blattner, Chairman  
HK's Hospital Benefit Golf Tournament

BB/mec



## Camdenton R-III Schools

P.O. Box 1409  
Camdenton, MO. 65020-1409  
[314] 346-5651

**RON HENDRICKS**  
Superintendent

**RON BURKS, Ed. D.**  
Asst. Superintendent

September 15, 1993

Mr. Dan Leatherman  
KBMX Radio Station  
Rt. 3, Box 4881  
Osage Beach, MO 65065

Dear Mr. Leatherman:

On behalf of the students, faculty, staff and administration of the Camdenton R-III School System, the Board of Education expresses sincere appreciation to you for your work as a CARE Committee member in passing the August 3 levy increase. Senate Bill 380 presented our school district with a critical challenge which you and fellow CARE Committee members successfully met and for that we are grateful.

We thank you for the valuable time that you gave to the careful study of this issue, your many efforts as a committee member, and your willingness to ask our school patrons to vote yes to insure continued quality education for the students of our district. No one needs to tell you how important the passage of this levy increase was to our district and without your help, we would not have been able to successfully meet this challenge.

Again, the Camdenton R III Board of Education thanks you for your commitment to continued quality education for the students of our schools.

Sincerely,

Nickie Foster, President  
Board of Education

NF/kr

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### BOARD OF EDUCATION

Nickie Foster, President  
Diana Sutherland, Member

Greg Anderson, Vice-President  
Joe Butts, Member

Wayne Compton, Treasurer  
Cindy Gaston, Member

Diane Franklin, Member  
Diane Karakas, Secretary

PRESENTED TO



*DAN LEATHERMAN*

IN GRATEFUL APPRECIATION  
FOR OUTSTANDING SERVICE TO  
THE CAMDENTON R-III SCHOOL DISTRICT



AS A  
MEMBER OF THE  
COMMUNITY AWARENESS FOR REINVESTING  
IN EDUCATION COMMITTEE

CARE

1993



KBMX  
Dan Leatherman

The contribution you made to the "4 Charity 4" project is much appreciated. Over one thousand dollars has already been distributed to each of the local charities Ministerial Alliance (LAMB House), Citizens Against Domestic Violence, The Dream Factory and Dogwood Animal Shelter. All prizes have been awarded and delivered to the lucky winners.

Please accept our thanks for your part in making this project a huge success for the community as well as Newcomers and Longtimers.

Sincerely yours,

Newcomers/Longtimers Club  
Doxiene Stewart, President

THANKS!

Please accept our special thanks for your help with our Christmas Outreach dinner. Because of your of your generosity we were able to provide food and fellowship for ones who might have had to be alone with nothing to eat on Christmas Day.

Sincerely,

The Oak Street Church of Christ  
Eldon, MO.

To: Everyone at KBMX

I've heard you water safety  
spots. Thanks for playing them.  
We need all of the coverage on  
water safety we can get.

Paul Potvin  
Lake of the Ozarks Association

# Jaycees Certificate of Appreciation

Presented to

101.9 KBMY RADIO

"Soft and Light at the Lake of the Ozarks"

FOR OUTSTANDING AND  
UNSELFISH SERVICE  
GIVEN TO  
THE JAYCEE MOVEMENT.

Doug Davis Jr.  
President

J. Lynch  
Secretary

**JAYCEES.**

# Certificate of Appreciation

in grateful recognition of your continuing  
service and support we hereby present

**KBMX RADIO**

with this certificate of appreciation

for

**DeWey's Tugs for Frida**

On This 1st Day of March 19 95

*DeWey's Tugs*



1992  
Lake of the Ozarks  
Shoreline Beautification

*In Recognition Of*  
**KBMX Radio**

*Your contribution to the Lake of the Ozarks Shoreline Beautification  
is greatly appreciated. The successful conclusion of this endeavor is due to those  
dedicated individuals who truly care about our beautiful Lake of the Ozarks.  
Thank you for a job well done.*

*Bob Heckel*

Bob Heckel, Chairman

On behalf of the Camden  
Senior Center, I would like  
to thank you for promoting  
our drives for Meals on Wheels.

We greatly appreciate it

Sincerely  
Ruth Kohl  
President

FAX FROM ME TO YOU

CAROL LEE PROSSER  
602 CAROL ROAD  
LAKE OZARK, MO 65049-9118

PHONE & FAX NUMBER: 314-355-3399

PAGE(S) 1

TO: Editors and Staff

FAX: \_\_\_\_\_ KMBX Radio Station 348-0500

COMPANY: \_\_\_\_\_ Rt 3 Box 4881  
Osage Beach, MO 65065

FAX# 348-0625

SUBJECT: Community News - Events, Calendars of Events

MESSAGE: I wish to thank the Editor and

staff for your support in getting our  
news to the public for Ozark Paradise  
Chapter of A.B.W.A. and have enjoyed  
working with you this past year and look  
forward to another year of your continuing  
support

HAVE A GREAT DAY!

Carol Lee Prosser  
Publicity Chairperson  
Ozark Paradise Chapter #3250  
American Business Women's Assoc.



The "Miles For Meals Walkathon"  
was a great success. We raised  
a little over \$1,700.<sup>00</sup> to be  
used for the "Meals on Wheels"  
program in the Camden area.

With sincere appreciation  
for your kindness.

"Thanks"

Ronnie  
Capps

Karen Kaly



# Greater Lake Area Arts Council

## OFFICERS

Gale Kessler  
President

Colleen Washburn  
President-Elect

Martha Mitchell  
Vice-President for District Arts

Don Evanschitzky  
Treasurer

Joe M. Miller  
Recording Secretary

Susan Ziegler  
Corresponding Secretary

Sandra Stoner, Don Wyckoff  
Past President

Colleen Washburn  
President-Elect

Sandy Mahood  
Past President

Colleen Washburn  
President-Elect

Cheryl Fick  
Sandra Stoner  
Don Wyckoff

Colleen Washburn  
Sandra Stoner  
Don Wyckoff

Colleen  
Sandra Stoner  
Pat Stevens

Four Seasons  
Mary Engel  
Verna Kaitenbrunn

Lake Ozark  
Joan Keeney  
Joan Newberry

Osage Beach  
Libby Helvey  
Flo Meuse

Sunrise Beach-Laurie  
Myrna Peterson  
Stephanie Shorman

Board at Large  
Bobbi Bach  
Bill Bennett  
Mike Kopp  
Patty McLaughlin  
Helen McNally  
Rita Orr

Linda Taylor  
Dr. Fred Tietjen  
Colleen Washburn  
Sandra Stoner

March 9, 1992

Mr. Dan Leatherman  
KEMX Radio Station  
Lake Road 54-24  
Osage Beach, MO. 65065

Dear Dan

On behalf of The Greater Lake Area Arts Council, I wish to thank you for the outstanding interviews you have done to help to promote the fine arts in our community. It is well recognized that you do a very thorough job, and appreciated that you are sensitive to the importance of the arts within a community and in uniting several communities in the goal of an improved cultural climate.

I wanted to be sure that you knew how grateful we are for your help in publicizing up and coming events and your interest in advocacy for critical arts issues.

Media can make a very important contribution to our society in presenting opportunities to the public in an honest and unbiased manner. You can be very proud of your contribution.

Most Sincerely,

Gale Kessler  
President

# Greater Lake Area Arts Council

May 23, 1994

Mr. Arnold Laubich  
New Plan Realty Trust  
1120 Avenue of the Americas  
New York City, New York 10036

Dear Mr. Laubich:

On behalf of the Greater Lake Area Arts Council, the Visual Arts Committee and the artists involved we wish to express our sincere thanks for making our Annual Art Quest Fine Art Show at the Factory Merchants Mall possible.

The Mall is a perfect location for such a promotion which attracts "locals" (permanent residents) as well as tourists and visitors. Our goal, of course, in addition to promoting fine art and art appreciation, is to have the merchants benefit equally with the artists by increased Mall traffic. We do believe that this year's show did that.

This year, as well as in 1993, your Promotion Division supported the Art Quest Show with a remote broadcast by our leading mid-Missouri radio station KBMX and their generous publicity added to the crowds.

Again, let us tell you how much we appreciate your allowing us to stage our Art Quest at the Factory Merchants Mall. It is one of the great attractions here at our Lake!

Yours truly,



Liz Kahrs  
Visual Arts Committee

cc: Nancy Bell, Manager, Factory Merchants Mall  
Dan Leatherman, Manager, KBMX FM Radio



# Sycamore Creek

Golf Club & Estates

Rt. 4 Box 1503 • Osage Beach, MO 65065 • (314) 348-9593

Thursday, April 27, 1995

Dear Jeff -

Just a note to tell you again how much we appreciated the free airtime on KBMY this AM promoting the Arts Council's upcoming events.

It is such a great way to get the public interested in GLAAC's goals.

And I know I must be speaking for all non-profit organizations that are doing your public service announcements in expressing a great big "thanks." It is fun to hear people we all know giving them.

Please pass our thanks along to Dan.

Sincerely,  
Liz Kalus

April 22, 1995

Mr. Jeff Carr  
HBM

Rt 3 Box 4881  
Orange Beach, Mo 65065

Dear Jeff

Hi Jeff, I'm glad you used this year as the greatest I can't tell you how many people told me they heard me talking about the Free ARP Tax Deduction on HBMX, so there is no doubt you helped us spread the word to seniors in the area. It is for sure when you see our results, we completed 605 tax returns and tax assistance in over 5 tax sites compared to 466 last year, an increase of 139. Thanks so much for your help - much appreciated.

Laura Buzan

May 1, 1993

Your help this past tax season  
in advising seniors of the AARP  
Tax-Aide given at senior centers

You make a difference!

by volunteers, free of charge,  
was very much appreciated. With  
your help we filed income tax  
returns for more seniors than ever!  
Thank you. Sincerely,  
Lauren Bungan  
AARP Tax Coordinator

FOR ALL YOU DO  
THIS CARD'S FOR YOU

*Thanks*

9273





**U.S. Small Business Administration**

Springfield Branch Office  
620 South Glenstone, Suite 110  
Springfield, MO 65802-3200  
Telephone: (417)864-7670

November 18, 1992

Mr. Dan Leatherman  
KBMX Radio  
Rt. 3, Box 4881  
Osage Beach, Mo. 65065

Dear Mr. Leatherman:

Small business is the engine which powers our economy. Over 80% of all new jobs created in the 90's are through the start-up and expansion of small businesses.

You and KBMX are to be congratulated for your support of the small business community in the Lake of the Ozarks area, as evidenced by your public service announcements which are publicizing the small business seminars and workshops being conducted by the Lake of the Ozarks chapter of the Service Corps of Retired Executives (SCORE). SCORE is a national organization of over 13,000 volunteers who pass on their expertise through free business consulting and seminars. Funded and supported by the U.S. Small Business Administration, SCORE provides perhaps the most "bang for the buck" of any federally funded program, providing assistance to hundreds of thousands of businesses across the nation each year with a budget under \$3 million.

The Lake of the Ozarks SCORE Chapter assisted over 120 Lake area entrepreneurs in 1992, helping to increase employment in the Lake area, helping to increase the revenues and profits of Lake area businesses, helping business owners acquire recordkeeping, management, merchandising, planning, finance, marketing and advertising skills, and in some cases helping to prevent their failure.

Please accept our appreciation for the service which you are providing to your community.

Very truly yours,

Jim Coffey  
Business Development & Public Information Officer



DECLARATION OF DANIEL LEATHERMAN

I, Daniel Leatherman, hereby declare:

1. I have reviewed the foregoing Exhibit entitled,  
"Testimony of Daniel Leatherman".
2. The statements contained therein are true and correct  
to the best of my knowledge, information and belief.

I declare under penalty of  
perjury that the foregoing is  
true and correct. Executed on  
March 4, 1996

  
Daniel Leatherman